

286.3-050 Organization to be approved by executive director.

- (1) Before filing the articles of incorporation of any financial institution mentioned in KRS 286.3-040, the organizers shall present a copy of their proposed articles to the executive director who shall investigate the financial standing, moral character, and capability of each of the organizers and proposed executive officers and directors, if known, and determine whether there is reasonable assurance of sufficient volume of business for the proposed corporation to be successful, and whether the public convenience and advantage will be promoted by the opening of the proposed corporation.
- (2) In the event that the institution for which a charter is sought is to be created solely for the purpose of effectuating a merger or consolidation to facilitate the formation of a bank holding company, the executive director may waive all or any part of the requirements of this subtitle.
- (3) If the executive director determines that it is expedient and desirable to permit the proposed corporation to engage in business, he shall approve the articles of incorporation in writing, and the articles then may be filed and recorded as provided in the general corporation or limited liability company law.
- (4) All amendments to the articles of incorporation of any financial institution mentioned in KRS 287.040 shall be approved by the executive director before filing with the Secretary of State.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 183, sec. 5, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 196, sec. 5, effective July 15, 1998. -- Amended 1986 Ky. Acts ch. 444, sec. 3, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 324, sec. 7, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 251, sec. 4, effective April 1, 1982. -- Amended 1946 Ky. Acts ch. 141, sec. 29. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 165a-20.

Formerly codified as KRS 287.050.

Legislative Research Commission Note (7/12/2006). This section was amended in 2006 Ky. Acts ch. 183. In that same session, 2006 Ky. Acts ch. 247, sec. 38 required that all sections of KRS Chapters 287, 288, 290, 291, 294, 366, 366A, and 368 be renumbered as sections of a single KRS chapter entitled the "Kentucky Financial Services Code." Therefore, the Statute Reviser, acting under KRS 7.136(1), has changed the number of this section and codified it as a section of KRS Chapter 186. In addition, a KRS reference has been adjusted to conform with the renumbering.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.